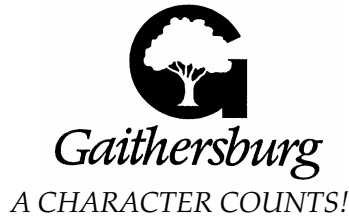


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CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MAY 1, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, Schlichting and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Human Resources Director Kee, Finance and Administration Director Belton, Planning and Code Administration Director Ossont, Director of Public Works, Parks Maintenance and Engineering (PWPME) Arnoult, Parks, Recreation and Culture Director McGleish, Planners Patula, Eby and Robinson, Director of Community Development Kauffman, Olde Towne Coordinator Hines, Environmental Services Director Shingara, Environmental Specialist Golfer, Senior Center Facility Director Whipple, Aquatic Manager Mogus, Program Manager Herndon, City Attorney Borten and Administrative Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Principal Kathy Rupp and students from Fields Road Elementary School, Gaithersburg, Maryland.

II. INVOCATION

The invocation was led by Reverend Dr. Ray Stephens, Retired United Methodist Minister.

III. APPROVAL OF MINUTES

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the minutes of the Mayor and Council meeting held April 18, 2006, be approved.

Vote: 3-2-0 (Abstained: Schlichting and Sesma)

IV. APPOINTMENTS

Resolution of the City Council Confirming an Appointment and Reappointments by the Mayor

This resolution confirmed the following: **Personnel Review Board**, Ginny Gong (reappointment), 122 Upshire Circle and Michael Stevenson (reappointment), Sr., 410 Watch Hill Lane, Gaithersburg, Maryland 20878, three-year terms; **Police Chief's Advisory Council**, Gary Crawford (reappointment), 320 East Diamond Avenue, Gaithersburg, Maryland 20877, two-year term; **Technology & Innovations Committee**, Mahendra Gharpuray (reappointment), 204 Rabbitt Road and Sai Pothuri (appointment), Gaithersburg, Maryland 20878, two-year terms.

Motion was made by Council Member Edens, seconded by Council Member Alster, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING AN APPOINTMENT AND REAPPOINTMENTS BY THE MAYOR TO THE PERSONNEL REVIEW BOARD, POLICE CHIEF'S ADVISORY BOARD, AND TECHNOLOGY & INNOVATIONS COMMITTEE (Resolution No. R-41-06), be approved.

Vote: 5-0

V. PRESENTATIONS

1. Introduction of New Employees

- Grace Whipple, Senior Center Facility Director, after 23 years of service to the YMCA of Metropolitan Washington in the areas of fitness and development, work at the Upper Montgomery County YMCA and through the Chamber of Commerce, began her employment with the City on March 30, 2006.
- Jennifer Mogus, Aquatic Manager, has a background in aquatics management as facility manager for Montgomery County Department of Recreation Aquatics Division. Ms. Mogus is a certified Red Cross Water Safety Instructor and EMT.
- Eli Golfer, Environmental Specialist, previously employed as a natural resource specialist at the land-use planning and engineering firm, Rodgers Consulting, Inc. Mr. Golfer will assist with the environmental aspects of the development review, help ensure the City complies with federal and state environmental regulations, and assist with community environmental education and outreach projects.

2. GREAT Award

GREAT stands for "Gaithersburg Recognizing Educational Achievement Today" and its mission is to promote and celebrate higher achievement and successes in Gaithersburg area schools. The goal of GREAT is to recognize schools, increase student success and promote "best practices" models.

Fields Road Elementary School students and staff celebrate the success of their "Falcon News" program which is broadcasted live each morning. The news program is spearheaded by media specialist, Julie McInerney who accepted the award along with Principal Rupp.

Gaithersburg Middle School is recognized for the success of its mentoring programs, serving over 40 students. The mission of the program is to raise student awareness of their potential and possibilities for the future. Those recognized for the success of the program are Elizabeth Hessel and Laura Ann Francis, mentor coordinators, Donald McCoy and Carolyn Hill, coordinators of the NASD Mentoring Program, and Carol Johnson, Joanne Moaadel, Linda Walter and Steve Olsen, Counseling Department Coordinators for mentoring

The Education Committee and City thank the contributors and supporters of this year's GREAT spring school supply collection. This year, six area schools have been recipients of the donations.

3. Proclamations

- Designating May 1 – 6, 2006, as "*Gaithersburg Green Week*" and May 1, 2006, as "*Arbor Day*" in the City of Gaithersburg. Mayor Katz presented a Proclamation to Toni Hudson, member of the City's Environmental Affairs Committee, who announced the week's planned activities: May 1, 2006, Annual Environmental Awards Ceremony, recognizing businesses, schools, and homeowners associations that work to improve the environment; May 1, 2006, Arbor Day Celebration at Washington Grove Elementary School where Gaithersburg will receive its 17th Tree City USA Award; May 5, 2006, grand opening of the Youth Center at Robertson Park, the City's first green building; and May 6, 2006, Community Clean-Up Day, clean-ups and planting projects at Brown Station Elementary School, Lakelands, Lakelands Ridge, Olde Towne, Quince Orchard Park, Woods at Muddy Branch, and Central Avenue.

- Designating May 2006, as “*National Historic Preservation Month*” in the City of Gaithersburg. Mayor Katz presented a Proclamation to Richard Arkin, Chair of the Historic Preservation Advisory Committee (HPAC). The theme selected by the National Historical Trust for this year is “Sustain America – Vision, Economics, and Preservation.” Mr. Arkin announced the activities planned for the month.

4. **Annual Report on Historic Preservation**

HPAC Chair, Richard Arkin, presented the annual update on historic preservation matters in the City. He highlighted the main events and achievements of 2005, and followed up with priorities of HPAC’s work plan for 2006.

VI. **PUBLIC APPEARANCES**

1. *Grace Rivera-Oven*, stated it’s in the best of the children who are U.S. citizens in the community, to establish a day laborer center in Gaithersburg. She urged the Mayor and City Council to consider the children when making their decision.
2. *Efrain (inaudible), 16 years living in the City*, asked that they be considered as human beings with children in the community schools when making a decision for a center.
3. *(inaudible), living in the U.S. for six years*, stated he has taught and encouraged others to read and speak English. Stated that there are many freedoms in this country and thanked the City Council for their consideration of a day laborer center.
4. *Carlos Marroquin, living in Gaithersburg since 1999*, stated he is ready to assist with the day laborers that gather at Grace United Methodist Church. He further stated that there are many that take advantage of the workers and asked the Mayor and City Council to create a place where the day laborers can seek work in an orderly fashion.
5. *Mario Nunez, living in Gaithersburg since 2001*, stated that in the U.S. he can provide a better life for his family. Asked that the residents unite to work for the better of the community.
6. *Reinaldo Orrellana, living in Gaithersburg for two years*, would like to establish a permanent job and thanked those that have assisted him with finding work. Thanked the City for giving him an opportunity to speak and hope that their dreams will come true.
7. *Maria Argueta, lives in Gaithersburg*, expressed support for a day laborer center in Gaithersburg.
8. *Jose Portillo*, seeking to find a permanent job to have a better life and provide for his family. He stated many laborers go day to day not knowing if they will get work. He thanked the Council Members for listening to the voice of people living in the Gaithersburg community.
9. *Julio Guzman, Gaithersburg resident*, stated he is a father of two sons born in the U.S. He thanked the City Council for the opportunity to speak. Further stated that day laborers can be better citizens with the help of the authorities.
10. *Jose Alberto Flores-Cruz*, stated he came to this country to work and provide for his family. He thanked the City Council for their consideration of a day laborer center and asked that the City Council assist with moving towards a better future for all.
11. *Reverend Simon Bautista, Ascension Church*, stated he came to the area in 1999 and taught Spanish in a private catholic school. Stated men and women have been gathering daily for years to find work. He asked to have some influence to create a day laborer center. He thanked those in the clergy that have given their time and efforts to the day laborers. Expressed support for a center in Gaithersburg stating it is needed.

12. *Alejandra (inaudible), 409 West Diamond Avenue*, asked that the President fix the papers for her mother to be able to work in the U.S.
13. *Gustavo Diaz*, stated he is a day laborer worker living in Gaithersburg. He stated that because of an accident 13 years ago, he is confined to a wheelchair, but still needs to support three young girls through his skills as a mechanic. He expressed support for the center stating he is trying to move forward in life.
14. *Reverend David Rocha*, thanked the City for allowing individuals to gather and protest in a peaceful matter and be a part of a solution to the day laborer center. He stated that because Gaithersburg is a CHARACTER COUNTS! City, he was able to create a live for his family and many in the community. He stated it is his turn to give back and asked all to unite. He expressed support for a day laborer center in Gaithersburg.
15. *Jorge Orrellano*, eight years old asked that President Bush help his parents to get papers to work.
16. *Michael Stumberg, 15 Walker Avenue*, urged the City Council to find an organization that has deep roots in Gaithersburg to run the day laborer center. He asked that those offering to help be prepared to follow through with their offer.
17. *Juan Carlos Ruiz, National Capital Immigration Coalition for MD, VA, and DC*, expressed support for a day laborer center in Gaithersburg. He stated that the coalition want to be a part of the process to move forward and achieve the best solution for everyone.
18. *Cathy Dryzgula, 16 Walker Avenue*, expressed concern with the decrease value of the homes in her area due to the issues surrounding a day laborer center. She asked the City Council to make a decision that would be in the best interest of all in the City of Gaithersburg.
19. *Steven Shrineman (sp?)*, stated that many are Americans (South America, North America) but not necessarily U.S. citizens. He expressed concern with illegal residents not contributing to pay taxes and the practices of Casa of Maryland.

Mayor Katz thanked Grace Rivera-Oven for translating for several of the Spanish speaking individuals above.

VII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Alster

1. Mentioned the opening of the first green building in Gaithersburg and urged all to attend the event at the new Youth Center at Robertson Park.
2. Referred to a Bill before Congress regarding video and cable franchising. He expressed concern with many features in the Bill which would effect local government. He stated that the Bill would overturn the right-of-way of utilities and control by local government. Suggested staff sends a letter to Congressman Van Hollen and Delegate Wynn indicating the City's objection to the Bill.
3. Reported that he assisted the science coordinator at Gaithersburg Elementary School with the student's science projects.

Council Member Marraffa

Attended the West Riding Council in the Communities meeting and thanked the residents for their attendance and participation.

Council Member Sesma

1. Announced the vacancies on the City's Boards, Commissions, and Committees.
2. Mentioned that the Bark in the Park event has been rescheduled and encourage residents to attend. For further information visit the City's website at www.gaithersburgmd.gov
3. Congratulated Fields Road Elementary School and Gaithersburg Middle School on being recipients of GREAT Awards.
4. Congratulated and recognized the Latino community for their unity and support on immigration reform in the City of Gaithersburg.

Council Member Schlichting

1. Reiterated and announced the grand opening of the first environmentally-sensitive Green Building, Youth Center at Robertson Park on Friday, May 1, 2006 from 3:30 to 6:30 p.m. He stated that there would be many activities for the youth.
2. Announced on Saturday, May 6, 2006, Gaithersburg with join Montgomery County for Family Volunteer Day. For further information visit the City's website at www.gaithersburgmd.gov

Mayor Katz

1. Announced that interviews will be scheduled for an alternate for both the Board of Appeals and Planning Commission. He stated an announcement will be at a future meeting of the scheduled date and time.
2. Stated a work session has been scheduled for Monday, May 8, 2006, to discuss the proposed comprehensive affordable housing policy and receive a briefing on liquor licensing from Dennis Theoharis, Executive Director of the Board of Liquor License Commissioners.

VIII. FROM THE CITY MANAGER

Report that a briefing and suggestions will be given by staff on the East Deer Park Bridge at the May 15, 2006 Mayor and City Council meeting. He stated that he and Traffic Engineer Mumpower had discussions with the County's Department of Public Works and Transportation.

RECESSED THE MAYOR AND COUNCIL MEETING AT 8:45 P.M.
AND RECONVENED AT 8:46 P.M.

IX. ORDINANCES AND RESOLUTIONS**1. Resolution to Reject All Medical Benefit Insurance Benefits Bids Received April 10, 2006 and to Negotiate and Enter Into a Contract to Provide Medical Insurance to Qualified Employees**

This resolution authorizes the City Manager to reject all bids for medical insurance benefits received and negotiate and execute a contract to provide medical insurance benefits to qualified City employees with MAMSI (United Health Care), 4 Taft Court, Rockville, Maryland 20852; said contract to be effective July 1, 2006. The estimated financial impact will be approximately \$1.4 million. Human Resources Director stated that the City Manager will provide the City Council with a report concerning the contract negotiation within 30 days.

Motion was made by Council Member Schlichting, seconded by Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING OF THE CITY MANAGER TO REJECT ALL MEDICAL BENEFIT INSURANCE BENEFITS BIDS RECEIVED APRIL 10, 2006 AND TO NEGOTIATE AND ENTER INTO A CONTRACT TO PROVIDE MEDICAL INSURANCE TO QUALIFIED EMPLOYEES (Resolution No. R-42-06), be approved.

Vote: 5-0

2. Resolution to Amend the City's Self Insured Dental Plan for Qualified Employees

Human Resources Director Kee stated that staff conducted an analysis of the City's dental plan to evaluate the scope of benefits and plan design in meeting the needs and objectives of City employees and to compare the benefits to those offered in neighboring jurisdictions. Based upon that analysis, staff recommends that the plan be amended. This resolution authorizes the City Manager to amend the City of Gaithersburg Employees' Dental Plan to: 1) Change the current plan design from a two tier plan to a three tier plan; Modify the City's current policy 75 percent of the cost of single dental insurance coverage and 50 percent of the family dental insurance coverage, to paying 85 percent of the coverage premium in each tier (single, two-person or family) for all qualified City employees; and 3) Modify the current plan design from an annual maximum benefit of Two Thousand Dollars (\$2,000).

Motion was made by Council Member Sesma, seconded by Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AMEND THE CITY OF GAITHERSBURG SELF INSURED DENTAL PLAN FOR QUALIFIED EMPLOYEES (Resolution No. R-43-06), be approved.

Vote: 5-0

3. Resolution to Reject All Bids for Playground Design and Equipment Purchase for Malcolm King Park

PWPME Arnoult stated that staff has determined that certain proposed design specifications for the above did not contain sufficient detail and explanation to meet both the technical aspects of the Americans with Disabilities Act and the City's intent for wheelchair accessibility on the playground. This resolution authorizes the City Manager to reject all bids and the project be re-bid with modified and more detailed specifications.

Motion was made by Council Member Alster, seconded by, Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS FOR PLAYGROUND DESIGN AND EQUIPMENT PURCHASE FOR MALCOLM KING PARK (Resolution No. R-44-06), be approved.

Vote: 5-0

4. Resolution to Extend the 2006 Street Resurfacing Contract

This resolution authorized the City Manager to extend the 2006 Street Resurfacing Contract to resurface Main Street with D. & F. Construction Company, Inc., 4017 Penn-Belt Place, Forestville, Maryland 20747, in an estimated amount of One Hundred Twenty-Five Thousand Dollars (\$125,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTEND THE 2006 STREET RESURFACING CONTRACT (Resolution No. R-45-06), be approved.

Vote: 5-0

5. Introduction of an Ordinance to Adopt the City Budget for the Fiscal Year July 1, 2006, Through June 30, 2007, and Levying an Ad Valorem Tax on all Assessable Property Within the City of Gaithersburg, Maryland

Finance and Administration Director Belton introduced the Ordinance to adopt the FY 2006 – 2007 City Budget which was advertised in the April 26, 2006 issue of the *Gaithersburg Gazette*. The ordinance would establish the City Budget and institute the ad valorem tax on all assessable property within the City of Gaithersburg, Maryland. Public hearing for the above is scheduled for May 15, 2006, with anticipated budget work sessions to be held at the Casey Community Center on Monday, May 22, 2006, and if necessary, Wednesday, May 24, 2006, beginning at 7 p.m.

Motion was made by Council Member Edens, seconded by Council Member Alster, that the above Ordinance, be introduced.

Vote: 5-0

6. Notification of a Public Hearing to Establish a Constant Yield Tax Rate for the City of Gaithersburg for Tax Year Beginning July 1, 2006

In order to comply with state law, a public hearing is required if the tax rate proposed for the fiscal year exceeds the Constant Yield Tax Rate. As projected by the State Department of Assessments and Taxation, the City's assessable base will increase by 12.6 percent in FY'07. As the City's assessments increase, the tax rate needed to generate the amount of revenue for the prior year decreases. This Constant Yield Tax Rate would ensure that the City's tax revenue would remain flat from FY'06 to FY'07. The City is proposing a tax rate of \$.212 which will exceed the \$.188 Constant Yield Tax Rate, therefore requiring a public hearing. Finance and Administration Director Belton notified the public that a public hearing has been scheduled for May 15, 2006.

7. Resolution Approving the FY06 Annual Action Plan for Receipt of CDBG and HOPWA Administration Funds

Grants Administrator Kauffmann stated that as a CDBG entitlement community and formula grantee for HOPWA, the City is required by the U.S. Department of Housing and Urban Development (HUD) to submit an annual Action Plan the activities it plans to undertake in the year ahead. She stated that three public hearings were held on February 1, March 1, and March 6, 2006, with the record closing on April 24, 2006. This resolution authorizes the City Manager to submit such Action Plan to HUD by May 15, 2006. Proposed CDBG projects for FY'07 included: Stepping Stones Shelter (\$23,500); GUIDE Youth Services (\$15,000); Gaithersburg Affordable Housing Program (\$30,000); Olde Towne Gaithersburg Rolling Stock Restoration Project (\$233,850); and (\$93,088) for the Planning and Administration of the CDBG program.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that a Resolution of the Mayor and City Council to Approve the FY06 Annual Action Plan for Receipt of CDBG (\$465,438) and HOPWA Administration Funds (\$15,720) Under the Formula Grant Programs Administered by the U.S. Department of Housing and Urban Development (Resolution No. R-46-06), be approved.

Vote: 5-0

8. Resolution Awarding a Matching Grant

This resolution authorized the City Manager to award a matching grant to The Oaks of Washingtonian Woods Condominium Association for street lighting on Amber Tree Court, in the total amount of Five Thousand Dollars (\$5,000), upon determining that the projects are completed as proposed; said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDED A MATCHING GRANT TO THE OAKS OF WASHINGTON WOODS CONDOMINIUM ASSOCIATION (Resolution No. R-47-06), be approved.

Vote: 5-0

X. POLICY DISCUSSION

1. MP-2-04, GE Tech Park Special Study Area

Planning and Code Administration Director Ossont stated that GE Tech is one of ten designated special study areas. He gave background on the Master Plan amendment stating a joint public hearing was held on December 6, 2004, joint work session February 15, 2005, and a second joint work session was held on November 28, 2005. During the later work session, the City Council and Planning Commission reached a consensus on Option 1 and 3 and provided guidance to staff to eliminate the special condition on Option 3 that required comparable density and housing mix and to amend the other special condition to require concurrency of any future development regardless of residential or commercial. He further stated that the Commission closed its record on December 1, 2005 and made a recommendation to the Mayor and City Council on January 4, 2006. The recommendations included Option 1 and 3 with the modifications discussed during the November work session, as well as two additional base line requirements. He mentioned that the Mayor and City Council hosted a Town Hall Meeting at Lakelands Park Middle School on March 15, 2006. At the Town Hall Meeting, staff presented information on the current annexation agreement, the suggested baseline requirements, the four options as well as the Planning Commission's recommendation. He noted that the Mayor and City Council record closed April 20, 2006. He concluded stating that staff is seeking guidance from the Mayor and City Council to draft a resolution and return for final action at an upcoming meeting.

Several City Council Members concurred that language be eliminated for the map designations that would be strictly a mix use option, which would allow for flexibility. The City Council concurred with the Planning Commission recommendations, but asked for special conditions for comparable density and mix and the preservation of Map Designation 1 as open space. They also asked for language that would provide transition from housing to office use. Concerns were expressed with the level of density on pending development. Staff was asked to also investigate the historic significance of the National Geographic Building on the site and possibly the reuse and designation of the existing building. In regards to Option 1, it complies with the existing annexation agreement with some additional suggested language. City Attorney stated that if the City was to proceed with Option 1 beyond the annexation agreement, then an amendment would be required.

2. Day Laborer Task Force Report

Assistant City Manager Tomasello stated that the Day Laborer Task Force presented a report to the Mayor and City Council during the April 10, 2006 work session. He stated that staff was directed to review the report with appropriate City and County staff members and then come back before the Mayor and City Council. Staff is seeking to determine the preferred course of action from the Mayor and City Council and communicate it to Montgomery County to commence implementations of a day laborer center. Mr. Tomasello presented three options which include: Option 1 – limited service facility coupled with “anti-solicitation” legislation; Option 2 – creation of a “Day Laborer Policy” document; and Option 3 – full service facility that offered a full range of legal, job training, education, etc. services on site. He stated that several discussions were held with Montgomery County staff, City staff from Planning and Code, Human Services, Police Department, as well as the City Attorney. He stated that several factors repeatedly arose during the discussions which included: site location criteria and center operator, ordinances and zoning and the possibility of a short term solution.

Several City Council Members preferred Option 3 – full service center, stating that the lack of a formal center would cause distress in neighborhoods. There were concerns with the level of service, not wanting to duplicate services that are already available through another organization in the City of Gaithersburg.

City Manager Humpton stated that staff will come back during the May 15, 2006 meeting and give a progress report to the Mayor and City Council following additional discussions with the County for a site selection and an operator for the center.

XI. FROM STAFF

Assistant City Manager Felton

Reported that the County Council did give consent to the annexation of the proposed Crown Farm Annexation (X-182). He stated that the Mayor and City Council record remains open and welcomed public comment.

XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 10:20 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Administrative Assistant